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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/391,460	09/08/1999	Barry Barton	47004.000030	8639

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EXAMINER

BUI, THACH H

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 10/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/391,460

Applicant(s)

BARTON ET AL.

Examiner

Thach H Bui

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. The preliminary amendment filed July 29, 2002 has been received and entered.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 11 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 is vague and indefinite because there is no clear or proper antecedent basis for "classifying said individual's economic situation".

Claim 16 is vague and indefinite because there s no clear or proper antecedent basis for "further refining said advice". How?

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burkey et al.

As per claim 1, Burkey et al. teach a system for providing advice specifically tailored to an individual's profile comprising an interactive application running on a computer and the system includes a display operatively connected to the computer (see Figure 1). Burkey et al. also teach a first graphical user interface (GUI) displayed on the display of the computer and the first GUI comprises one or more descriptive icons (see Figures 21, 22, and 23). In addition, the system comprises a processor (110) wherein the processor is operative to generate advice (financial planning, healthcare, personal and professional development and etc.) (column 28, line 34- column 29, line 5) responding to an individual' profile. Burkey et al. do not mention explicitly a second GUI displayed on the display of the computer having descriptive icons representing one or more financial situations such as financial payment and etc. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system, as taught by Burkey et al., to have a second set of GUI since it is well-known in the art that it is simple to duplicate the existing set of GUI for another one. Furthermore, it would have been obvious to one skilled artisan to add a means for generating financial payment advice in Burkey et al. system by adding additional application software.

As per claim 2, Burkey et al. teach a network having a plurality of file servers wherein the fileservers comprise a plurality of databases (see Figures 10A and 24).

As per claims 3, 9, and 14, Burkey et al. do not explicitly mention a computer system that is operable to generate advice on negotiation strategies for interacting with the individual. However, Burkey et al. teaches a computer system that is operable to

generate advice on financial planning, healthcare, personal and professional development and etc. (column 28, line 34- column 29, line 5) according to an individual's profile. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system, as taught by Burkey et al., to generate advice on negotiation strategies for interacting individual.

As per claim 4, Burkey et al. do not explicitly mention the GUI comprises at least one of predetermined questions and predetermined answers to the predetermined questions. However, Burkey et al. teach interfaces that allow user to drive the program and decide when certain actions should be performed (column 6, lines 60-64). Therefore, it would have been obvious to one skilled artisan in the art to modify the GUI's, as taught by Burkey et al., to have predetermined questions and predetermined answers to the predetermined questions.

As per claim 5, it contains features addressed in claims 1 and 4, and therefore, is rejected under the same rationale.

As per claim 6, it contains features addressed in claim 1. and therefore, is rejected under the same rationale.

As per claims 7, 12, 15, Burkey et al. do not explicitly mention GUIs comprise means for specifying the type of the advice. However, Burkey et al. teach specific GUIs for specific category (see Figures 21, 22, and 23). It would have been obvious to one having ordinary skill in the art to modify each GUI having a means for specifying the type of advice.

As per claim 8, it contains features addressed in the above paragraphs, and therefore, is rejected under the same rationale. In addition, the applicant recited the steps of retrieving strategy data in response to an individual's account information. Burkey et al. do not mention explicitly a steps of retrieving strategy data in response to an individual's account information. However, Burkey et al. teach a web-based agent system that is capable to retrieve information from multiple databases according to an individual's profile. Therefore, it would have been obvious to one skilled artisan to understand that the system, as taught by Burkey et al., is capable of retrieving information and/or strategy data in response to the selection of a descriptive icon.

As per claim 10, it contains features addressed in claim 4, and therefore, is rejected under the same rationale.

As per claim 13, it contains features addressed in previous claims, and therefore, is rejected under the same rationale. In addition, applicant recited a means for inputting into the system information specific to an individual. Burkey et al. teach a system having a user profile (1060). Therefore, it would have been obvious to one having ordinary skill in the art to realize that the system, as taught by Burkey et al., having a means for inputting into the system information specific to an individual.

### ***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thach H Bui whose telephone number is 703-305-0063. The examiner can normally be reached on Monday-Friday, 7:30-4 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantzy Poinvil can be reached on 703-305-9779. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5711.

T.B.  
October 1, 2002

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
AU 3628